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October 30, 2014

VIA ECF AND E-MAIL (SullivanNYSDChambers@nysd.uscourts.gov)

Honorable Richard J. Sullivan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
New York, New York 10007

MEMO ENDORSED

Re: *Omni Solo, Inc. v. Lisa Mayer, et al.*, No. 14 Civ. 3662 (S. D. N. Y.) (RJS),
related, *U.S. Securities and Exchange Commission v. Amerindo Investment
Advisors Inc., et al.*, No. 05 Civ. 5231 (S. D. N. Y.) (RJS).

Dear Judge Sullivan:

We represent defendants Lisa and Debra Mayer (the "Mayers"). We write on behalf of both parties, with the consent of counsel for Plaintiff, and jointly request an amendment of the Case Management Order to extend fact discovery from the current deadline of November 7, 2014 until January 16, 2015 with a corresponding extension of the post-discovery conference. A copy of the Case Management Order is attached for your convenience. This request will not impact the final deadline for completion of all discovery currently set as March 9, 2015.

Plaintiff's counsel has advised that health issues have kept him away from the office. Accordingly, Plaintiff's Initial Disclosures have not yet been received and it was not until this week that Plaintiff's first documents responsive to the Mayers' document request were supplied. This first production is some 9,000 pages, and Plaintiff's counsel advises that it includes eight years of correspondence and records. Plaintiff's counsel has also advised that his client's Rule 30(b)(6) deposition (which was to be this week) will have to be adjourned, and we in turn believe that our review of the document production before that deposition is essential. We also believe that a determination of whether other discovery including additional depositions is necessary can only be made after documents are reviewed and Plaintiff's Rule 30(b)(6) witness is deposed.

Furthermore, the parties await word from Magistrate Fox in response to the parties' joint request to adjourn the initial settlement conference/mediation that had been scheduled to be conducted on November 4, to mid-December. We remain hopeful that the adjournment request

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will be granted, and we believe that extending fact discovery in this matter will afford the parties an opportunity to meaningfully explore the possibility of reaching a resolution or, at the very least, clarifying the issues that will require resolution by means of motion practice or trial.

We ask for the January date anticipating scheduling issues surrounding the holidays.

Accordingly, the parties respectfully request that the Court grant this extension.

Respectfully submitted,

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IT IS HEREBY ORDERED THAT the parties' joint request is GRANTED and fact discovery is extended to January 16, 2015. IT IS FURTHER ORDERED THAT the post-discovery conference scheduled for December 5, 2014 is ADJOURNED to January 30, 2015 at 11:30 a.m. IT IS FURTHER ORDERED THAT if either party contemplates filing a post-discovery motion, the January 30, 2015 conference shall function as a pre-motion conference. Pre-motion letters are to be submitted by January 16, 2015, and responses to pre-motion letters shall be submitted within three business days of service of the initial pre-motion letter.

SO ORDERED
Date: 

RICHARD J. SULLIVAN
U.S.D.J.